

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 404, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 8, after "IC 16-22-8" insert ",".
- 2 Page 1, line 8, after "IC 16-22-8-2." insert "**IC 16-42-5**,".
- 3 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 4 "SECTION 6. IC 16-18-2-138.2 IS ADDED TO THE INDIANA
- 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE UPON PASSAGE]: **Sec. 138.2. "Food handling**
- 7 **machinery", for purposes of IC 16-42-5, has the meaning set forth**
- 8 **in IC 16-42-5-2.3."**
- 9 Page 2, between lines 24 and 25, begin a new paragraph and insert:
- 10 "SECTION 8. IC 16-42-5-0.5 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. Except as provided in this**
- 13 **chapter, a corporation or local health department may not impose**
- 14 **any:**
- 15 **(1) sanitary standards on; or**

1 **(2) locally prescribed penalties for the violation of any state**
2 **law or rule concerning;**
3 **food handling or food establishments.**

4 SECTION 9. IC 16-42-5-0.7 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: **Sec. 0.7. (a) Except as provided in this chapter,**
7 **a corporation or local health department may not impose any**
8 **requirements or standards on the installation of food handling**
9 **machinery in a food establishment regulated by this chapter.**

10 **(b) The installation of food handling machinery includes all**
11 **activities associated with the machinery's installation, including the**
12 **wiring, plumbing, air handling, and all other processes.**

13 **(c) This section does not limit the authority of the state fire**
14 **marshal, the state building commissioner, or other state agencies**
15 **to regulate food establishments.**

16 **(d) This section does not limit the authority of a corporation or**
17 **local health department to enforce requirements or standards**
18 **established by state law or the state department for the installation**
19 **of food handling machinery.**

20 SECTION 10. IC 16-42-5-2.3 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. As used in this chapter,**
23 **"food handling machinery" means any of the following used for**
24 **and in food handling:**

25 **(1) Equipment.**

26 **(2) Appliances.**

27 **(3) Tools.**

28 **(4) Plumbing and related fixtures.**

29 **(5) Refrigeration devices.**

30 **(6) Heating, ventilation, and cooling equipment.**

31 **(7) Any other piece of equipment used for and in food**
32 **handling.**

33 SECTION 11. IC 16-42-5-24 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) For the**
35 **purpose of enforcing IC 16-41-20, IC 16-41-21, IC 16-41-23,**
36 **IC 16-41-24, IC 16-41-34, IC 16-42-5, or IC 16-42-7, the local health**
37 **officers are food environmental health specialists subordinate to the**
38 **state department.**

1 **(b) The state department shall provide to the local health**
2 **officers who are food environmental health specialists guidelines**
3 **concerning the interpretation of state laws and rules concerning**
4 **food handling and food establishments so that enforcement of the**
5 **state laws and rules is uniform throughout the state."**

6 Page 3, delete lines 2 through 4.

7 Page 3, line 5, delete "(8)" and insert "**(6)**".

8 Page 3, line 7, delete "(9)" and insert "**(7)**".

9 Page 3, delete lines 8 through 9.

10 Page 3, line 28, after "the" insert "**Conference for Food Protection**
11 **or an equivalent nationally recognized certification program as**
12 **determined by the"**.

13 Renumber all SECTIONS consecutively.

(Reference is to SB 404 as reprinted February 28, 2001.)

and when so amended that said bill do pass.

Representative Brown C